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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/716,212	SNYDER, THOMAS DAVID	
	Examiner	Art Unit	
	Pierre-Louis Desir	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 November 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *56-79 and 81-95* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *56-79 and 81-95* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 11/09/2006 have been fully considered but they are not persuasive.

Applicants argue that Elliott actively deletes ring tones from memory as soon as a call has been answered or terminated. That is after the call is answered, Elliott does not maintain a ring tone long enough for the user to approve or decline keeping the ring tone. Therefore it makes no sense for one skilled in the art to modify Elliott with Gargiulo.

Examiner respectfully disagrees. Although Elliott discloses deleting ring tones from memory after the call is answered or terminated, there is no passage in Elliott that relates that deletion with not maintaining a ring tone long enough for the user to approve or decline keeping the tone. It appears to Examiner that Applicants are attempting to read additional limitation into the Elliott's reference and such attempt seems to amount to pure speculation. In addition, Applicants' disclosure of Elliott not maintaining maintain a ring tone long enough is further proof that ring tone is maintained or stored (though not long enough) by Elliott. And, as stated in the previous Office Action, Elliott does not specifically disclose a method comprising temporarily storing the complementary multi-media effect received from the wireless communications network in a first partition of memory in the wireless communications device; and moving the selected complementary multi-media effect from the first partition to a second partition of memory in the wireless communications device if the user chooses to save the selected complementary multi-media effect.

Examiner, in the previous Office action, relied on Gargiulo for that teaching.

Applicants further argue that Lewis says nothing about partitioning memory into a first partition that temporarily stores a complementary multi-media effect, and a second partition to store the complementary multi-media effect if the user wants to save the effect. Even if it did, Applicants further state, there would not be no motivation to perform such partitioning in Elliott who does not maintain acoustic information long enough for the user to decide whether to save the ring tone.

Examiner respectfully disagrees. Applicants' arguments regarding Elliott's as related to the issue of "not maintain acoustic information long enough for the user to decide whether to save the ring tone have been addressed above, and Applicants are referred to the above paragraph for the response.

Regarding Applicants' arguments that Lewis says nothing about partitioning memory into a first partition that temporarily stores a complementary multi-media effect, and a second partition to store the complementary multi-media effect if the user wants to save the effect, Applicants are reminded that Examiner relied on Gargiulo for that teaching.

In response to applicant's argument that the examiner 103 rejection of claims 56 and 74 is based on a collection of references glued together, reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the

time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Applicant's arguments with respect to claim 77 have been considered but are moot in view of the new ground(s) of rejection.

Claim 77 has been amended, and such amendment requires a new ground of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. 77-79, 81-82, 84, 87-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott, Pub No. US 20020106074, in view of Koser et al. (Koser), Pub. No. US 20040032946.

Regarding claim 77, Elliott discloses a method of selecting a complimentary multi-media effect for a wireless communications device (see abstract) comprising: creating one or more picklists for storage at an entity in a wireless communication network, each picklist including one or more complementary multi-media effects (i.e., inputting, downloading or storing one or more sounds) (see figs. 3A-3C, page 3, paragraph 33, and page 6, and paragraph 52; also refer to paragraphs 43-58); selecting, by a network entity, a complementary multi-media effect from a

picklist that is associated with a predetermined event that is to be sent to a wireless communications device from the wireless communications network (i.e., in response to the party P2 specifying that a call be placed to the recipient terminal 18a, the controller 18 forming a call signal that includes the telephone numbers of the respective terminals 18a, 18b and request information requesting the retrieval of acoustic information from the database 7, and 2 by causing the formed call signal to be forwarded towards the terminal 18a by way of the system components 9, 8, and 17. Thereafter, the call signal is routed by the Internet 17 to the server 7', based on the request information included in the signal, and the server 7' then responds to the received signal by correlating the telephone number of terminal 18b from the call signal to corresponding information in a memory location Y1-Yn of data table T1 within database 7, 2) correlating that memory location Y1-Yn to a corresponding memory location X1-X1 in the data table T1 of database 7, and 3) retrieving the acoustic information stored in that location X1-Xn. The server 7' then inserts the retrieved acoustic information into another predetermined field of the call signal, and, based on the telephone number of terminal 18a included in the signal, forwards the signal to the terminal 18a. Thus, the network selected acoustic information is received by terminal 18a along with the telephone call) (see page 9, paragraph 69); transmitting the selected complementary multi-media effect along with the predetermined event to the wireless communications device (see page 9, paragraph 69); sending the predetermined event to the wireless communications device (see page 9, paragraph 69).

Although Elliott discloses a method as described, Elliott does not specifically disclose a method comprising re-sequencing, by the network entity, the activation order of the complementary multi-media effects; selecting, by the network entity, a new complementary

multi-media effect that is associated with a predetermined event that is to be sent to the wireless communications device according to the re-sequenced activation order; and transmitting the selected complementary multimedia effect along with the predetermined event to the wireless communication device.

However, Koser discloses that it is well known in the art to have a method wherein a server (i.e., network entity) performs re-sequencing (random selection) (see paragraph 159), selecting, and transmitting of multimedia effects are being performed by a server (i.e., a telecommunications ring-tone system includes a ring-tone database that stores ring-tones for subscribers and a ring-tone server. The ring-tone server receives configuration information from a subscriber including information associating ring-tones to caller information. The server further receives an incoming call signal for a call to the subscriber including at least part of the caller information. Moreover, the server selects a subscriber ring-tone from the ring-tones based on the configuration information and the incoming call signal, and sends an indicator associated with the subscriber ring-tone to a communications device of the subscriber in response to the incoming call signal. The indicator includes information used by the communications device to play the subscriber ring-tone. The FlexRing Server 55 determines the applicable media selection at step S804 by randomly or sequentially choosing a media selection from the available media for the category (e.g., genre or author) associated with the Calling Party 20) (see paragraphs 78, 80, and 159)------Koser also discloses that the subscriber could, via the FlexRing Service, program a tone to be played on the mobile phone instead of the normal MP3 file that is played for a particular incoming call number (see paragraph 155).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Elliot with the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to simplify the ways of programming the associations of media to caller numbers.

Regarding claim 78, Koser discloses a method (see claim 77 rejection) wherein selecting a complementary multi-media effect comprises randomly selecting the complementary multi-media effect from a picklist of complementary multi-media effects stored at the wireless communications network (i.e., The FlexRing Server 55 determines the applicable media selection at step S804 by randomly or sequentially choosing a media selection from the available media for the category (e.g., genre or author) associated with the Calling Party 20) (see paragraph 159)---Also refer to the rejection of claim 77 for reason of combining Koser and Elliott.

Regarding claim 79, Elliott discloses a method (see claim 77 rejection) wherein selecting a complementary multi-media effect comprises selecting the complementary multi-media effect from the picklist (see paragraph 84)---Also refer to Koser paragraph 159, and to claim 77 rejection for reason for combining.

Regarding claim 81, Elliott discloses a method (see claim 80 rejection) wherein receiving a new selected complementary multimedia effect occurs on every n.sup.th predetermined event, wherein n is greater than 0 (i.e., an incoming call is received) (see paragraphs 34, 69, 76)---Also refer to Koser paragraphs 78 and 80, and to claim 77 rejection for reason for combining.

Regarding claim 82, Elliott discloses a method (see claim 80 rejection) wherein receiving a new selected complementary multi-media effect occurs at a predetermined time (i.e., an incoming call

is received) (see paragraphs 34, 69, 76) ---Also refer to Koser paragraphs 78 and 80, and to claim 77 rejection for reason for combining.

Regarding claim 84, Elliot discloses a method (see claim 77 rejection) wherein at least one of the one or more picklists comprises a list of audio files (i.e., list of audio samples) (see page 7, paragraph 58).

Regarding claim 87, Elliott discloses a method (see claim 77 rejection) wherein at least one of the one or more picklists comprises a list of images (i.e., MPEG-3 or moving image) (see page 13, paragraph 99).

Regarding claim 88, Elliott discloses a method (see claim 77 rejection) wherein at least one of the one or more picklists comprises a list of video sequences (i.e., MPEG-3) (see page 13, paragraph 99).

Regarding claim 89, Elliott discloses a method (see claim 77 rejection) wherein the predetermined event comprises an incoming call (see paragraphs 9 and 46).

Regarding claim 90, Elliott discloses a method (see claim 77 rejection) wherein the predetermined event comprises an alarm (i.e., sound that alerts or alarms of an incoming call) (see paragraphs 9 and 46).

Regarding claim 91, Elliott discloses a method (see claim 77 rejection) wherein the predetermined event comprises a text message (i.e., incoming data message) (see page 13, and paragraph 98).

Regarding claim 92, Elliott discloses a method (see claim 77 rejection) wherein the predetermined event comprises an e-mail message (i.e., incoming data message) (see page 13, and paragraph 98).

Regarding claim 93, Elliott discloses a method (see claim 77 rejection) wherein the predetermined event comprises a new voice message (i.e., incoming call or voice message or voice mail message) (see page 1, paragraph 9, and page 5, paragraph 46; and paragraph 98).

Regarding claim 94, Elliott discloses a method (see claim 77 rejection) wherein the predetermined event comprises a page (i.e., Elliott discloses that the user communication device could be a pager, which would receive a page as event. Therefore, upon receipt of an event (i.e., page), a signal would alert the user) (see page 2, paragraph 19).

4. Claims 85-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott and Koser further in view of Stone et al. (Stone), U.S. Patent No. 5767778.

Regarding claim 85, the combination discloses a method as described above (see claim 77 rejection).

Although the combination discloses a method as described, the combination does not specifically disclose a method wherein at least one of the one or more picklists comprises a list of tactile function generator patterns.

However, Stone discloses a method wherein upon detection of an incoming telephone call, an alert generator initiates an alert. The alert generator may comprise of tactile function generator patterns (see col. 3, lines 7-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by the combination with the teachings as disclosed by Stone. A motivation for doing so would have been to provide the user a more discreet notification of an incoming telephone call.

Regarding claim 86, the combination discloses a method as described above (see claim 77 rejection).

Although the combination discloses a method as described, the combination does not specifically disclose a method wherein at least one of the one or more picklists comprises a list of lighting patterns.

However, Stone discloses a method wherein upon detection of an incoming telephone call, an alert generator initiates an alert. The alert generator may comprise of visual (light or display) alert generator (see col. 3, lines 7-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by the combination with the teachings as disclosed by Stone. A motivation for doing so would have been to provide the user a more discreet notification of an incoming telephone call.

5. Claim 95 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott and Koser further in view of Gargiulo et al. (Gargiulo), Pub. No. US 20020087656.

Regarding claim 95, Elliott and Koser disclose a method (see claim 77 rejection) comprising transmitting selected complementary multi-media effect along with a predetermined event to the wireless communication device (see paragraphs 78, 80, 159).

Although the combination discloses a method as described, the combination does not specifically disclose a method comprising transmitting a combination of at least two complementary multi-media effects selected by the wireless communications network along with the predetermined event to the wireless communications device.

However, Gargiulo discloses a method comprising wherein a picklist may be created comprising of a combination of at least two complementary multimedia effects (see page 8, paragraph 158).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by the combination with the teachings as described by Gargiulo to arrive at the claimed invention. A motivation for doing so would have been to provide different options as to which multimedia effect to utilize as an indication.

6. Claim 56-57, and 67-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott in view of Gargiulo and Lewis et al. (Lewis), U.S. Patent No. 6718445.

Regarding claim 56, Elliott discloses a method of selecting a complementary multi-media effect for a wireless communications device (see abstract) comprising: receiving a complementary multi-media effect selected from a picklist by an entity in a wireless communications network along with a predetermined event from the wireless communications network (see page 9, paragraph 69); rendering the complementary multi-media effect at the wireless communications device to notify the user of the predetermined event (see paragraphs 76 and 80).

Although Elliott discloses a method as described, Elliott does not specifically disclose a method comprising temporarily storing the complementary multi-media effect received from the wireless communications network in a first partition of memory in the wireless communications device; and moving the selected complementary multi-media effect from the first partition to a

second partition of memory in the wireless communications device if the user chooses to save the selected complementary multi-media effect.

However, Gargiulo discloses a method comprising temporarily storing the new selected complementary multi-media effect in the first partition (i.e., a received file is stored into temporary random access memory) (see page 8, paragraph 167); and comprising moving the new selected complementary multi-media effect from the first partition to the second partition if the user chooses to save the new selected complementary multi-media effect (i.e., the mobile station will save the media file (which was stored in the temporary RAM as stated in paragraph 167) to non-volatile RAM) (see page 9, paragraph 179); thus, Gargiulo discloses a method comprising partitioning memory in the wireless communications device into first (i.e., temporary RAM) (see page 8, paragraph 167) and second partitions (non-volatile RAM) (see page 9, paragraph 179).

Although Elliott and Gargiulo discloses a method as described above, Elliott and Gargiulo does not specifically disclose a method wherein the first and second partition being partitioned by a user of the wireless communication device to include user-defined sizes.

However, Lewis discloses a method, which allows a user to define the sizes of the partitions and buffer pool (see col. 2, lines 52-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to provide to the device a somewhat permanent storage area for the media file.

Regarding claim 57, Elliott discloses a method as described above (see claim 56 rejection).

Although Elliott discloses a method as described, Elliott does not specifically disclose a method further comprising removing the new selected complementary multi-media effect from the first partition if the user chooses not to save the new selected complementary multi-media effect.

However, Gargiulo discloses a method further comprising removing the new selected complementary multi-media effect from the first partition if the user chooses not to save the new selected complementary multi-media effect (i.e., the media file is first stored in the temporary random access memory, the user is then prompt via display on the mobile station. The user may discard the media, in which case the transaction would be terminated. Therefore, if the user discards the media, the data would be removed from the temporary RAM) (see pages 8-9, paragraph 167-168).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to prevent the temporary memory from being full.

Regarding claim 67, Elliott discloses a method (see claim 56 rejection) wherein the predetermined event comprises an incoming call (see paragraphs 9 and 46).

Regarding claim 68, Elliott discloses a method (see claim 56 rejection) wherein the predetermined event comprises an alarm (i.e., sound that alerts or alarms of an incoming call) (see paragraphs 9 and 46).

Regarding claim 69, Elliott discloses a method (see claim 56 rejection) wherein the predetermined event comprises a text message (i.e., incoming data message) (see page 13, and paragraph 98).

Regarding claim 70, Elliott discloses a method (see claim 56 rejection) wherein the predetermined event comprises an e-mail message (i.e., incoming data message) (see page 13, and paragraph 98).

Regarding claim 71, Elliott discloses a method (see claim 56 rejection) wherein the predetermined event comprises a new voice message (i.e., incoming call or voice message or voice mail message) (see page 1, paragraph 9, and page 5, paragraph 46; and paragraph 98).

Regarding claim 72, Elliott discloses a method (see claim 56 rejection) wherein the predetermined event comprises a page (i.e., Elliott discloses that the user communication device could be a pager, which would receive a page as event. Therefore, upon receipt of an event (i.e., page), a signal would alert the user) (see page 2, paragraph 19).

Regarding claim 73, Elliott discloses a method as described above (see claim 56 rejection).

Although Elliott discloses a method as described, Elliott does not specifically disclose a method comprising receiving a combination of at least two complementary multi-media effects selected by the wireless communications network along with the predetermined event from the wireless communications network.

However, Gargiulo discloses a method comprising wherein a picklist may be created comprising of a combination of at least two complementary multimedia effects (see page 8, paragraph 158).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation

for doing so would have been to provide different options as to which multimedia effect to utilize as an indication.

Regarding claim 74, Elliott discloses a wireless communications device (see abstract) comprising: a transceiver to receive a complementary multi-media effect selected by a wireless communications network along with an indication of a predetermined event from the wireless communications network (see fig. 2a, page 4, and paragraphs 37 and 69; a memory (see fig. 2a, page 4, paragraph 39); and a processor (see fig. 2a, page 4, paragraph 38) configured to: render the complementary multi-media effect to notify a user of the wireless communications device of the predetermined event (see paragraphs 76 and 80).

Although Elliott discloses a device as described, Elliott does not specifically disclose a device comprising a memory, which is into a first partition and a second partition, and comprising temporarily storing the multi-media effect received from the network along with the predetermined event in the first partition of memory and moving the multi-media effect from the first partition to the second partition if the user of the wireless communications device chooses to save the multi-media effect.

However, Gargiulo discloses a device comprising a memory, which is partitioned into a first partition and a second partition (see paragraphs 167 and 179), and comprising temporarily storing the multi-media effect received from the network along with the predetermined event in the first partition of memory and moving the multi-media effect from the first partition to the second partition if the user of the wireless communications device chooses to save the multi-media effect (i.e., a received file is stored into temporary random access memory, and wherein

the mobile station will save the media file (which was stored in the temporary RAM as stated in paragraph 167) to non-volatile RAM) (see paragraphs 167 and 179).

Although Elliott and Gargiulo discloses a method as described above, Elliott and Gargiulo does not specifically disclose a method wherein the first and second partition being partitioned by a user of the wireless communication device to have user-defined sizes.

However, Lewis discloses a method, which allows a user to define the sizes of the partitions and buffer pool (see col. 2, lines 52-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to provide to the device a somewhat permanent storage area for the media file.

Regarding claim 75, Elliott discloses a device as described above (see claim 74 rejection).

Although Elliott discloses a method as described, the combination does not specifically disclose a device comprising removing the new selected complementary multi-media effect from the first partition if the user chooses not to save the new selected complementary multi-media effect.

However, Gargiulo discloses a device comprising removing the new selected complementary multi-media effect from the first partition if the user chooses not to save the new selected complementary multi-media effect (i.e., the media file is first stored in the temporary random access memory, the user is then prompt via display on the mobile station. The user may discard the media, in which case the transaction would be terminated. Therefore, if the user

discards the media, the data would be removed from the temporary RAM) (see pages 8-9, paragraph 167-168).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to prevent the temporary memory from being full.

Regarding claim 76, Elliott discloses a device (see claim 74 rejection) wherein the memory comprises a plug-in accessory that mates with a system interface connector on the wireless communication device (see figs. 2A and 2D).

7. Claims 58-62, 65-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott, Gargiulo, and Lewis, in further view of Deeds Pub. No. US 20040204146.

Regarding claim 58, the combination discloses a method as described above (see claim 56 rejection).

Although the combination discloses a method wherein it would have been obvious to one of ordinary skill in the art that the terminal 18a can receive new incoming calls along with new audible signal, wherein each incoming call may be associated with an audible signal (also refer to paragraphs 69, 76 and 80), one may argue that the combination does not specifically disclose a method comprising receiving a new complementary multi-media effect selected by the wireless communications network along with a new predetermined event from the wireless communication network.

However, Deeds discloses a method wherein the ringing tone reproduced by the output reproduction device can change randomly (without user intervention) from one event to the next

(see page 6, paragraph 50). Thus, from each received event, a new ringing tone will be reproduced.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the teachings as disclosed by Deeds with the teachings of the combination to arrive at the claimed invention. A motivation for doing so would have been to ensure the proper notification with each incoming event.

Regarding claim 59, Elliott discloses a method (see claim 58 rejection) wherein receiving a new selected complementary multimedia effect occurs on every n.sup.th predetermined event, wherein n is greater than 0 (i.e., an incoming call is received) (see paragraphs 34, 69, 76).

Regarding claim 60, Elliott discloses a method (see claim 59 rejection) wherein receiving a new selected complementary multi-media effect occurs at a predetermined time (i.e., an incoming call is received) (see paragraphs 34, 69, 76).

Regarding claim 61, the combination discloses a method (see claim 56 rejection) comprising creating one or more picklists, each picklist including one or more complementary multi-media effects (i.e., inputting, downloading or storing one or more sounds) (see figs. 3A-3C, page 6, and paragraph 52; also refer to paragraphs 43-58); and storing picklist at the wireless communication network (i.e., user-selected call alerting signals are stored in the database 33 of network 32) (see page 3, paragraph 33).

Although the combination discloses a method as described, the combination does not specifically disclose a method further comprising associating each picklist with a category of predetermined events.

However, Deeds disclose a method comprising associating each picklist with a category of predetermined events (see page 5, paragraphs 41-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Deeds with the teachings as described by the combination to arrive at the claimed invention. A motivation for doing so would have been to provide to the user a variety of different acoustic data at each occurring event.

Regarding claim 62, Elliot discloses a method (see claim 61 rejection) wherein at least one of the one or more picklists comprises a list of audio files (i.e., list of audio samples) (see page 7, paragraph 58).

Regarding claim 65, Elliott discloses a method (see claim 61 rejection) wherein at least one of the one or more picklists comprises a list of images (i.e., MPEG-3 or moving image) (see page 13, paragraph 99).

Regarding claim 66, Elliott discloses a method (see claim 61 rejection) wherein at least one of the one or more picklists comprises a list of video sequences (i.e., MPEG-3) (see page 13, paragraph 99).

8. Claims 63-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott, Gargiulo, Lewis, and Deeds, in further view of Stone et al. (Stone), U.S. Patent No. 5767778.

Regarding claim 63, the combination discloses a method as described above (see claim 61 rejection).

Although the combination discloses a method as described, the combination does not specifically disclose a method wherein at least one of the one or more picklists comprises a list of tactile function generator patterns.

However, Stone discloses a method wherein upon detection of an incoming telephone call, an alert generator initiates an alert. The alert generator may comprise of tactile function generator patterns (see col. 3, lines 7-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by the combination with the teachings as disclosed by Stone. A motivation for doing so would have been to provide the user a more discreet notification of an incoming telephone call.

Regarding claim 64, the combination discloses a method as described above (see claim 61 rejection).

Although the combination discloses a method as described, the combination does not specifically disclose a method wherein at least one of the one or more picklists comprises a list of lighting patterns.

However, Stone discloses a method wherein upon detection of an incoming telephone call, an alert generator initiates an alert. The alert generator may comprise of visual (light or display) alert generator (see col. 3, lines 7-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by the combination with the teachings as disclosed by Stone. A motivation for doing so would have been to provide the user a more discreet notification of an incoming telephone call.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is (571) 272-7799. The examiner can normally be reached on Monday-Friday 8:00AM- 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Pierre-Louis Desir
05/23/2007

JO[illegible]D
SUPERVISO[illegible] EXAMINER